



**Army Corps
of Engineers**
Sacramento District

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SUBJECT: Status of Bay Delta Conservation Plan (BDCP) Interagency Meetings with US Army Corps of Engineers Participation

BACKGROUND:

Beginning in 2008, the Corps has participated in a number of reoccurring meetings for the BDCP. The intent of these meetings was for the Corps and other Federal agencies to work together to identify and resolve issues, reach out to stakeholders, build consensus, and expedite permitting and review. These meetings were especially important because the Corps, Environmental Protection Agency (EPA), US Fish and Wildlife Service (USFWS), National Marine Fishery Service (NMFS), and Bureau of Reclamation (Reclamation) were all planning to use the same Environmental Impact Statement (EIS) for the NEPA compliance for their decisions, even though these agencies have vastly different areas of jurisdiction and discretionary authority.

Since then, the State of California has changed administrations, budgets have shrunk for all participating Federal, State, Local and non-governmental entities, and the endangered species issues remain unresolved. The scope of the BDCP itself remains unclear. The permitting strategy and schedule for the BDCP has changed repeatedly. The Lead Federal Agencies (USFWS, NMFS, and Reclamation) and the applicants (California Department of Water Resources (DWR)) have chosen to invest their time and resources into resolution of endangered species issues. All of the interagency meetings for which the Corps participated on for permitting and NEPA compliance issues have been cancelled. The Lead Federal Agencies are continuing to work on the EIS for the BDCP, but with no Corps access to the EIS allowed since fall of 2009.

The Corps has and will continue to meet with DWR on a number of small restoration projects related to but not dependant on the BDCP. To date, all of the restoration projects are either at the "pre-application" stage or have been withdrawn at the request of the applicant. These restoration actions are considered separate actions from the BDCP and are not shown on the below list.

BDCP MEETINGS WITH US ARMY CORPS OF ENGINEERS PARTICIPATION:

1. BDCP Steering Committee – Paul Robershotte SPD, Tanis Toland SPK

This is an open to the public meeting of the whole BDCP group, including Federal and state agencies, state and federal contractors, consultants and a select group of environmental groups. Intent is to work together to identify and resolve issues, reach out to stakeholders, build consensus, and develop a Habitat Conservation Plan and Natural Communities Conservation Plan for water project operations and Delta restoration actions compliance with Federal and State endangered species acts. Meetings run by the State Resources Agency and consultant firm SAIC. The BDCP Steering Committee meets 2nd and 4th Thursdays of every month.

✓ Last Meeting 18 November 2010, No Future Meetings Scheduled

2. DHCCP BECT Meeting – Tanis Toland SPK, Michael Nepstad SPK, Claire-Marie Turner SPK

This is a meeting on the preparation of the EIS/EIR for the BDCP and management of the contract with HDR, the contractor employed by DWR to prepare the EIS/EIR. Meeting is attended by HDR, Federal and state agencies. Meetings run by DWR. Intent is that all five Federal agencies would have full access to the development of the EIS to ensure that the EIS would be usable for each agencies decision making needs without supplementation and recirculation as a draft. Meeting is run by DWR and consultant firm HDR. The DHCCP BECT meeting occurs the first Tuesday of every month.

✓ Cancelled by Decision of Lead Federal Agencies in 2009

3. Section 404 Coordination Team – Michael Nepstad SPK, Tanis Toland SPK

This meeting was to facilitate the section 10/404 permitting process and its integration with NEPA. Meetings run by Michael Nepstad and attended by DWR, EPA, USFWS, Corps, and Reclamation. Intent is to enable the applicant (DWR) to understand the information needs and review process for the Corps section 10/404 permitting process.

✓ Cancelled by Applicant (DWR) December 2010

4. Five Federal Agency EIS Coordination Team – Michael Nepstad SPK, Lisa Clay SPK, Claire-Marie Turner SPK, Tanis Toland SPK

The Five Federal Agency EIS Coordination Team is a yet to be convened group which will address the EIS specifically and its integration with Corps permitting processes, proposed in response to the cancellation of the DHCCP BECT meetings. Intent is that all five Federal agencies would have full access to the development of the EIS to ensure that the EIS would be usable for each agencies decision making needs without supplementation and recirculation as a draft. First meeting will be set up by and run by USFWS.

✓ Never Occurred by Decision of Lead Federal Agencies

5. Section 408 Coordination Team - Tanis Toland SPK, Claire-Marie Turner SPK, Michael Nepstad SPK

This meeting was to facilitate the section 408 permitting process and its integration with NEPA. Meetings run by Claire-Marie Turner and attended by DWR and Corps. Intent is to enable the applicant (DWR) to understand the information needs and review process for the Corps section 408 permitting process.

✓ Cancelled by Applicant (DWR) December 2010

6. BDCP Coordination Meeting – Michael Nepstad (SPK), Michael Jewell SPK

This is a meeting for the five Federal agencies to meet and discuss issues. Meetings run by David Nawi of DOI and attended by USFWS, NMFS, Corps, EPA and Reclamation. Intent is for the Federal agencies to have a forum to work together to identify and resolve issues, reach out to

stakeholders, build consensus, and expedite permitting and review. Meeting is held every Tuesday at 9 or 10 am.

✓ Cancelled by Decision of DOI in January 2011

NEXT STEPS:

Corps staff continues to strive to maintain a continuing and ongoing involvement in the BDCP process at all levels, take a leadership role in defining and communicating Corps issues to the BDCP proponents, and work with all other parties to seek a way forward to provide important technical assistance and timely regulatory processes. However, due to the decisions of DOI, DWR and the Lead Federal Agencies, the Corps now has very limited opportunities for input and access to the BDCP process.